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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,801

06/23/2006

Diane L. Olson

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25279

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06/18/2009

GRACO MINNESOTA INC
PO BOX 1441
MINNEAPOLIS, MN 55440

EXAMINER

KIM, CHRISTOPHER S

ART UNIT

PAPER NUMBER

3752

MAIL DATE

DELIVERY MODE

06/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,801	Applicant(s) OLSON ET AL.	
	Examiner Christopher S. Kim	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 8, 2009 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites the limitation "said needle and seat seating surfaces having lengths along said axes substantially greater than said diameters" in lines 5-7. The disclosure, as originally filed, fails to provide such a disclosure.

4. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 2 recites "said valve comprising a member mounted over said needle for occluding said air passage" in line 3. Claim interpretation requires a reading where "said needle" refers to the "needle" recited in claim 1 line 3. The disclosure, as originally filed, fails to teach a member mounted over the needle of the air valve.

5. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantially greater" in claim 1 is a relative term which renders the claim indefinite. The term "substantially greater" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is uncertain to what degree the lengths must be greater than the diameters.

Claims 1 recites the limitation "said needle and seat seating surfaces having lengths along said axes substantially greater than said diameters" in lines 5-7. The "diameters" appear to refer to the needle tapered diameter and seating surface tapered in diameter. The diameters of the needle and seating surface are tapered. The

diameter of the taper changes. Therefore, it is uncertain which diameter of the taper it is referencing.

Claim 1 no longer appears to be a generic claim. Claim 1 recites needle and seat seating surfaces directed to valve 12 of the species disclosed in figure 1. Claims 6 and 7 appear to be directed to the species disclosed in figures 2-4 and 7-12. Valve 12 is not an element of the species disclosed in figures 2-4 and 7-12. Claims 1 and 6 are mutually exclusive that renders claims 6 and 7 indefinite.

Claim Rejections - 35 USC § 103

6. Claims 1-4, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes (3,318,530) in view of Cleveland et al. (4,047,695).

Rhodes discloses a spray gun comprising:

- a body 11;
- an air valve 34 threadedly located;
- an air shutoff valve 18 comprising a member 16;
- two protrusions (top of gun to which trigger is hinged; in front of handle);
- a needle 20, 22 having an air passage 19;
- a multi-hole air cap 44 (having multi holes 60).

Rhodes does not disclose the dimensions of the needle seating surface or the seat seating surface.

Cleveland discloses a needle seating surface 52, a seat seating surface 58. Cleveland teaches the relationship of L and D.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have made the seating surfaces greater than the diameters in the device of Rhodes as taught by Cleveland to reduce turbulence (Cleveland, column 3, lines 56 through column 4, lines 18).

Regarding claim 3, Rhodes in view of Cleveland discloses the limitations of the claimed invention with the exception of the molded plastic. Molded plastic is well known in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have made the body of one piece plastic in the device of Rhodes in view of Cleveland to increase durability and decrease corrosion.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes (3,318,530) in view of Cleveland et al. (4,047,695) as applied to claim 1 above, and further in view of Stern et al. (4,411,387).

Rhodes in view of Cleveland discloses the limitations of the claimed invention with the exception of the one way valve. Stern discloses a molded flexible polymer one-way valve 152 (column 11, lines 57-61). It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provide the valve of Stern to the device of Rhodes in view of Cleveland to prevent backflow.

8. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (6,019,294) in view of Cleveland et al. (4,047,695).

Anderson discloses a spray gun comprising:

a body 18;

an air valve threadedly located (see figures);

an air shutoff valve comprising a member (see figures);
two protrusions (trigger hinge; in front of handle);
a gun head 12.

Anderson does not disclose the dimensions of the needle seating surface or the seat seating surface.

Cleveland discloses a needle seating surface 52, a seat seating surface 58.
Cleveland teaches the relationship of L and D.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have made the seating surfaces greater than the diameters in the device of Anderson as taught by Cleveland to reduce turbulence (Cleveland, column 3, lines 56 through column 4, lines 18).

Regarding claim 3, Anderson in view of Cleveland discloses the limitations of the claimed invention with the exception of the molded plastic. Molded plastic is well known in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have made the body of one piece plastic in the device of Anderson in view of Cleveland to increase durability and decrease corrosion.

Response to Arguments

9. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher S. Kim/
Primary Examiner, Art Unit 3752

CK